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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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MM42/1209
PANITCH SCHWARZE JACOBS & NADEL
ONE COMMERCE SQUARE 2005 MARKET STREET
22ND FLOOR
PHILADELPHIA PA 19103-7086

EXAMINER

SMITH, M

ART UNIT	PAPER NUMBER
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2852

DATE MAILED:

4
12/09/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

661020 FEB 1999

Office Action Summary

Application No.

09/241,311

Applicant(s)

Ito

Examiner

Matthew S. Smith

Group Art Unit

2852



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 and 2 is/are rejected.

☒ Claim(s) 3 and 4 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2852

INFORMALITIES

Objections to the Title of the Invention

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Suggestion:

Control of the Speed of Printing and the Fuser Temperature Based Upon Monochromatic or Full-Color Copying.

Objections to the Specification

The disclosure is objected to because of the following informalities:

on page 7, line 31, "no" should read as "not".

Appropriate correction is required.

PRIOR ART REJECTIONS

Statutory Basis

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2852

The Rejections

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nami et al. in view of Tonai et al. and Ohno et al. in view of Tonai et al..

Both of the base references teach controlling the fixing temperature of the fuser in a photocopying device. Each of these references detail an ability to receive and determine whether a monochrome or full color image is forthcoming. Based upon this detection, these references change the fusing temperature of a fixing roller. Additionally, each describe the notoriously well known situation wherein the speed of reproduction of a monochrome image is faster than a full color image. The only feature not disclosed is the plurality of image forming units spaced along a line of travel of the recording medium. This manner of color image formation is notoriously well known in the art of which the Examiner takes Official Notice. In support of this assertion, the Examiner cites Tonai et al.. Tonai discloses a copier which can produce monochrome copies as well as full color copies. This is done by having a plurality of image forming units in sequence above a belt which carries the recording medium passed the image forming units. If a monochrome image is desired, the color image forming units are spaced from contacting and transferring any image thereon to the recording medium and only the black unit(or monochrome unit) is positioned so as transfer a toner image. This form of color/monochrome copier is one of a variety of orientations provided in the prior art. Nakamura et al.(see below in cited art) teaches a rotary unit wherein the plurality of image forming units are provided in a rotating carousel. The Nami and Ohno references highlight an equivalent alternative design where the toner image or images are placed

Art Unit: 2852

upon a single photoconductive member and then are transferred to a recording sheet. Therefore, it would have been obvious to one of ordinary skill in the art to construct the monochrome/full color copying device provided in Nami and Ohno with the form provided in Tonai as both are functionally and structurally equivalent manners of recreating monochrome or polychromatic images.

STATUS OF THE REMAINING CLAIMS

Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In these claims, the applicant includes limitations as to the melting points of the toner used in the monochrome image and the toner used in the full color image. The prior art does not show this distinction. The closest reference(Oka et al.) details the exact opposite orientation as claimed by the applicant.

OTHER PRIOR ART

Tokishige et al, Sano and Saito each disclose control of the fixing temperature based upon whether a monochrome or multicolor image is being created.

Art Unit: 2852

Nakamura et al., described above, teaches that a monocolored image is inherently created faster than a color image due to the fact that the rotary member carrying the plurality of image forming units need not rotate.

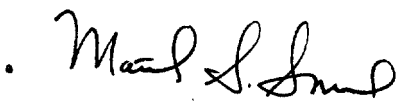
Oka teaches an orientation of the image forming units and by necessity the first toner image created must be created with a toner having a higher melting point than the second color image formed by the second toner.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Smith whose telephone number is (703) 308-1323.

mss

December 5, 1999


MATTHEW S. SMITH
PRIMARY EXAMINER
GROUP 2100